

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7251**

**BILL NUMBER:** HB 1611

**NOTE PREPARED:** Dec 28, 2006

**BILL AMENDED:**

**SUBJECT:** Animal Fighting.

**FIRST AUTHOR:** Rep. Elrod

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Possessing Animals for Animal Fighting Contests:* The bill makes possessing an animal for use in an animal fighting contest or attending an animal fighting contest a Class D felony.

*Repeal:* It repeals a provision that makes attending a fighting contest involving animals a Class A misdemeanor.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** *Possessing Animals for Animal Fighting Contests:* Under current law, purchasing or possessing an animal to use in an animal fighting contest is punishable by a Class A misdemeanor. Under the bill, the penalty would be enhanced to a Class D felony. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail.

Also, under current law, attending an animal fighting contest having an animal in the person's possession is a Class D felony. Under the bill, the provision concerning having an animal in the person's possession is removed. There are no data to indicate if more offenders would be convicted of this Class D felony.

A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,139. The average

length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Possessing Animals for Animal Fighting Contests:* More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

*Repeal:* The bill repeals cruelty to an animal, a Class A misdemeanor, which involves a person knowingly or intentionally attending a fighting contest involving animals. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:** *Possessing Animals for Animal Fighting Contests and Repeal:* If an offender is sentenced to state prison rather than to a county jail or no longer subject to a Class A misdemeanor, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

**Explanation of Local Revenues:** *Repeal:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts; local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association.

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